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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,020	05/12/2005	Mats Dahlback	19378.0089	8677
	7590 01/09/2008 Shereff Friedman	EXAMINER		
Suite 300 3000 K Street Washington, DC 20007			DUDNIKOV, VADIM	
			ART UNIT	PAPER NUMBER
· · · · · · · · · · · · · · · · · · ·			3663	
			MAIL DATE	DELIVERY MODE
•			01/09/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)				
•	10/517,020	DAHLBACK ET AL.				
Office Action Summary	Examiner	Art Unit				
	Vadim Dudnikov	3663				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNION (S6(a). In no event, however, may a right apply and will expire SIX (6) MON cause the application to become AB	CATION. eply be timely filed ITHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 03 Oc	<u>ctober 2007</u> .					
2a) This action is FINAL . 2b) ⊠ This	This action is FINAL . 2b)⊠ This action is non-final.					
, —	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under E	x parte Quayle, 1935 C.D	. 11, 453 O.G. 213.				
Disposition of Claims						
4) ⊠ Claim(s) <u>1,3,6,9-13,15,18 and 21-33</u> is/are pen 4a) Of the above claim(s) is/are withdraw 5) □ Claim(s) is/are allowed. 6) ⊠ Claim(s) <u>1,3,6,9-13,15,18 and 21-33</u> is/are reje 7) □ Claim(s) is/are objected to. 8) □ Claim(s) are subject to restriction and/or	vn from consideration.					
Application Papers						
9) ☐ The specification is objected to by the Examiner 10) ☐ The drawing(s) filed on is/are: a) ☐ acce Applicant may not request that any objection to the or Replacement drawing sheet(s) including the correction 11) ☐ The oath or declaration is objected to by the Ex	epted or b) objected to drawing(s) be held in abeyar ion is required if the drawing	nce. See 37 CFR 1.85(a). (s) is objected to. See 37 CFR 1.121(d).				
Priority under 35 U.S.C. § 119						
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
Attachment(s)						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	Paper No(Summary (PTO-413) s)/Mail Date nformal Patent Application 				

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DETAILED ACTION

A new examiner has assumed responsibility for the examination of the application.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submissions filed on October 1, 2007 and on October 3, 2007 have been entered.

Response to Arguments

2. Applicant's arguments pages 8-11 filed 10/01/2007 and page 7 filed 10/03/2007 have been fully considered but they are not in every respect persuasive. Those objections and rejections that have been overcome are omitted from the present Office Action and are considered withdrawn. Claims 1, 3-6, 15-18 and 21-26 have been amended and new claims 27-30 have been pended in response filed 10/1/2007, new claims 31-33 have been pended in response filed 10/3/2007. Claims 2, 4-5, 7-8, 14, 16-17 and 19-20 have been canceled.

Claims 1, 3, 6, 9-13, 15, 18, 21-30 and 31-33 are pending for examination.

3. With regard to the Rejection under 35 U.S.C. § 112 and under 35 U.S.C. § 103, Examiner accept said Applicant's arguments as persuasive.

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Rejection of amended claims established in light of further consideration and search of the prior Art. See rejections underneath.

Claim Rejections - 35 USC 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1, 3, 6, 9-12, 13, 15, 18, 21, 22, 23-33 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 1 recites the limitation, "impurities of a content that does not exceed that which is normally accepted in Zr or Zr-alloys for applications in nuclear reactors." There is neither an adequate description nor enabling disclosure as to what is meant by the term, "normally accepted." For example, what is the standard for so-called normal acceptance, who sets this standard, etc.

Claim 3 limitation, "wherein the second degree of recrystallization is 100%." There is neither an adequate description nor enabling disclosure as to how and in what manner one determines that there is complete or 100% recrystallization. For example, what

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criteria or test would one apply to accurately determine that 100% recrystallization has been achieved.

- 6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 7. Claims 1, 3, 6, 9-12, 13, 15, 18, 21, 22, 23-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is vague, indefinite and incomplete, and its metes and bounds cannot be determined because no criteria are provided on what constitutes normally accepted level of impurities in Zr or Zr-alloys for applications in nuclear reactors.

Regarding claims 1 and 13 the term "mainly", is vague and indefinite, and its metes and bounds cannot be determined. For example, does manly mean more than 50%, more than 90%, or what?

Regarding claim 22 the term "suitable" is vague and indefinite, and its metes and bounds cannot be determined because it can have a different interpretations, e.g., suitable mechanical properties, suitable nuclear properties, etc.

Conclusion

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vadim Dudnikov whose telephone number is 571-270-1325. The examiner can normally be reached on 8:00 - 17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack W. Keith can be reached, Mon-Fri 7:00am-4:00 pm, at telephone number 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patent Examiner.

Vadim Dudnikov

December 31, 2007.